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E-filed 12/12/07

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ROBERT DAVIS, SAN JOSE POLICE DEPARTMENT

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CHRISTINA SANCHEZ,

Plaintiff,

v.

CITY OF SAN JOSE; SAN JOSE POLICE
DEPARTMENT; ROBERT DAVIS in his
capacity as CHIEF OF POLICE OF THE
SAN JOSE POLICE DEPARTMENT; and
DOES 1 THROUGH 75, individually and
in their official capacities as employees of
the CITY OF SAN JOSE and the SAN
JOSE POLICE DEPARTMENT; and
DOES 76-100 individually, inclusive,

Defendants.

Case Number: C06 06331 JW (HRL)

**STIPULATION FOR PROTECTIVE
ORDER AND AMENDED PROTECTIVE
ORDER**

The parties to this action, by and through their attorneys of record, hereby enter into this Stipulation in order to resolve a dispute concerning production of, and testimony regarding, an investigation conducted by the City of San Jose Police Department Internal

1 Affairs Division regarding an incident which occurred in close proximity to the incident
2 which is the subject matter of Plaintiff's Complaint herein. This investigation did not
3 involve the matter alleged in Plaintiff's Complaint.

4 Plaintiff has sought to take the depositions of several San Jose Police Officers who
5 provided statements to the Internal Affairs Division concerning that incident. Defendants
6 have objected to the production of tape recorded statements, summaries of statements,
7 the Internal Affairs report, and any testimony from San Jose Police Officers regarding the
8 substance of their testimony to the Internal Affairs Division.

9 In order to resolve this dispute, the parties have agreed to submit the Internal
10 Affairs Division report, as well as tape recorded statements of interviews, to the Court for *in*
11 *camera* review. The parties stipulate that Defendants shall disclose only such documents
12 and/or recorded statements to Plaintiff as are ordered produced by the discovery referral judge,
Magistrate Howard R. Lloyd.

13 The parties further stipulate and agree that any and all personnel, Internal Affairs,
14 investigative and other private records and statements disclosed during discovery shall be
15 subject to review following the protective order:

- 16 1. Documents and/or recorded statements produced by Defendants that contain
17 information from Police Officer personnel files, training files, Internal Affairs
18 files, Internal Affairs reports, or any other material personal to said Officers
19 are considered confidential, and are to be used for the purpose the above
20 captioned litigation only. Accordingly, the documents and/or their contents
21 may only be disclosed by the receiving party on as needed basis and may be
22 disclosed for the purposes of this litigation only. Confidential documents
23 shall not be disseminated to third parties unrelated to this case and shall not
24 be used in any other litigation, civil or criminal. Photocopies of such
25 documents could be made as is necessary for the litigation of this case.
26 However, such copies will also be subject to paragraph 2 below. Counsel
27 will advise persons given access to confidential documents and/or recorded
28 statements of the confidentiality of said documents and/or statements.

2. Upon the conclusion of this litigation by final judgment, dismissal, or settlement, all such confidential documents and/or statements shall be returned to the producing party.

3. The parties shall apply Civil Local Rule 79-5 if they wish to file any of the confidential documents and / or statements under seal.

Dated: November 30, 2007

Respectfully submitted,

/S/
G. WHITNEY LEIGH
Attorney

Attorney for Plaintiff,
CHRISTINA SANCHEZ

Dated: November 30, 2007

Respectfully submitted,

RICHARD DOYLE, City Attorney

By: /S/
MICHAEL J. DODSON
Sr. Deputy City Attorney

Attorney for Defendants, CITY OF SAN
JOSE, ROBERT DAVIS, and SAN JOSE
POLICE DEPARTMENT

PURSUANT TO STIPULATION, IT IS SO ORDERED.

FURTHERMORE, prior to submitting documents for *in camera* review, the parties are ordered to submit (either jointly or separately) a supplemental brief to the court. This brief shall not exceed three pages and shall inform the court of the appropriate standards to apply in determining what documents and / or statements should be disclosed to the Plaintiff.

Date: 12/12/07


HONORABLE HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE